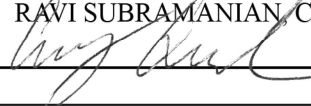


Presented to the Court by the foreman of the  
Grand Jury in open Court, in the presence  
of the Grand Jury and FILED in the U.S.  
DISTRICT COURT at Seattle, Washington

July 13, 2022

RAVI SUBRAMANIAN, Clerk

By  Deputy

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff

NO. CR22-5189 BHS

INDICTMENT

v.

BRIAN DAVIE,  
Defendant.

The Grand Jury charges that:

**COUNTS 1-6**

**(Bank Fraud)**

1. Beginning at a time unknown, and continuing through on or about May 2019, in Clark County within the Western District of Washington, and elsewhere, BRIAN DAVIE ("DAVIE"), knowingly devised and executed a scheme and artifice to defraud a financial institution as defined in 18 U.S.C. § 20, and to obtain monies, funds, and credits under the custody and control of the financial institution by means of materially false and fraudulent pretenses, representations, and promises, as further and more particularly set forth below.

***A. The Scheme and Artifice to Defraud***

2. The essence of the scheme and artifice to defraud was for DAVIE to use his position as a Wells Fargo branch manager to gain access to victim accounts and to enrich himself through unauthorized withdrawals from those customer accounts.

3. Through this scheme and artifice, DAVIE improperly accessed and used accounts of at least eight Wells Fargo customers to perpetuate the fraud and enrich

1 himself through unauthorized cash withdrawals, money transfers, and cashier's checks  
2 resulting in at least \$1,048,966.08 in losses.

3 4. At all times relevant to the allegations in this indictment, Wells Fargo met  
4 the definition of a financial institution set forth in Title 18, United States Code, Section  
5 20 because their depository amounts were insured by the Federal Deposit Insurance  
6 Company.

7 5. At all times relevant to the allegations in this indictment, DAVIE was  
8 employed by Wells Fargo as the branch manager at the Wells Fargo branch office in  
9 Battle Ground, Washington.

10 ***B. The Manner and Means of the Scheme and Artifice***

11 6. It was part of the scheme and artifice to defraud that DAVIE performed  
12 fraudulent financial transactions using his ID and password while acting in the capacity  
13 of a bank teller. These transactions were not authorized by the bank customers, and were  
14 not within the regular scope of duties of a branch manager. Wells Fargo branch managers  
15 are not permitted to perform teller transactions without permission, which DAVIE was  
16 not granted.

17 7. It was further part of the scheme and artifice to defraud that DAVIE  
18 targeted vulnerable customers who were elderly and/or suffering from illnesses such as  
19 Alzheimer's or dementia.

20 8. It was further part of the scheme and artifice to defraud that DAVIE  
21 instructed other tellers to conduct unauthorized transactions on his behalf, conducted  
22 unauthorized transactions using teller terminals that another teller was already logged  
23 into with their teller ID and password, or provided fraudulent pre-filled customer  
24 transaction documents to tellers to withdraw funds from customer accounts without  
25 authorization.

26 9. It was further part of the scheme and artifice to defraud that DAVIE forged  
27 customer signatures on banking documents such as cashier's checks, withdrawal forms,  
28 and account closure forms.

10. It was further part of the scheme and artifice to defraud that DAVIE transferred money out of customer accounts using cash withdrawals and cashier's checks made payable to either Wells Fargo or businesses of other known customers.

11. It was further part of the scheme and artifice to defraud that DAVIE exchanged cashier's checks for other smaller cashier's checks or cash withdrawals of \$10,000 or less to avoid bank reporting requirements, and then deposited and/or spent the funds for his own benefit.

***C. Execution of the Scheme and Artifice to Defraud***

12. On or about the dates identified below, in Clark County, within the Western District of Washington, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud a financial institution and for the purpose of carrying out and attempting to carry out this scheme and artifice to obtain monies, funds, and credits under the custody and control of the financial institution by means of materially false and fraudulent pretenses, representations and promises, DAVIE knowingly caused to be conducted the following unauthorized transactions, with each transaction constituting a separate count:

COUNT	DATE	FINANCIAL INSTITUTION	VICTIM	TRANSACTION
1	04/11/2019	Wells Fargo	K.C.	\$8,000 cash withdrawal
2	04/27/2019	Wells Fargo	K.C.	\$9,000 cash withdrawal
3	08/16/2017	Wells Fargo	P.T.	\$9,000 cash withdrawal
4	06/22/2018	Wells Fargo	F.H.	\$10,000 cash withdrawal and creation of a \$40,000 cashier's check
5	12/21/2018	Wells Fargo	K.S.	\$8,379.96 cash withdrawal & creation of a \$20,000 cashier's check
6	03/22/2019	Wells Fargo	A.N.	\$8,000 cash withdrawal and creation of a \$2,169.89 cashier's check

All in violation of Title 18, United States Code, Section 1344.

**COUNTS 7-9**

**(Aggravated Identity Theft)**

13. On or about the below dates, in Clark County, within the Western District of Washington, DAVIE did knowingly possess and use, without lawful authority, the means of identification of another person specified below—all of whom were real

persons—during and in relation to the violations of Title 18, United States Code, Section 1344, as specified below:

COUNT	DATE	RELATED BANK FRAUD COUNT	MEANS OF IDENTIFICATION
7	04/11/2019	1	K.C.'s account number, her Wells Fargo customer number, and a forged signature on a withdrawal slip from another customer with the initials N.S.
8	12/21/2018	5	J.F.'s account number, his Wells Fargo customer number, and J.F.'s forged signature to endorse a cashier's check
9	03/22/2019	6	A.N.'s account number, her Wells Fargo customer number, and J.F.'s forged signature to endorse a cashier's check

All in violation of Title 18, United States Code, Section 1028A(a)(1).

#### **FORFEITURE ALLEGATION**

14. The allegations contained in Counts 1-6 above are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. Upon conviction of any of the offenses alleged in Counts 1-6, BRIAN DAVIE shall forfeit to the United States any property constituting, or derived from, proceeds he obtained directly or indirectly, as a result of the offense. All such property is forfeitable pursuant to Title 18, United States Code, Section 982(a)(2) and includes but is not limited to a sum of money reflecting the proceeds the Defendant obtained as result of the offense.

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1       **Substitute Assets.** If any of the above-described forfeitable property, as a result of  
2 any act or omission of the defendant,

- 3           a.     cannot be located upon the exercise of due diligence;  
4           b.     has been transferred or sold to, or deposited with, a third party;  
5           c.     has been placed beyond the jurisdiction of the Court;  
6           d.     has been substantially diminished in value; or,  
7           e.     has been commingled with other property which cannot be divided  
8                 without difficulty,

9 it is the intent of the United States to seek the forfeiture of any other property of the  
10 defendant, up to the value of the above-described forfeitable property, pursuant to  
11 Title 21, United States Code, Section 853(p).

12  
13                               A TRUE BILL:

14                               DATED: 13 July 2022

15  
16                               *Signature of Foreperson redacted pursuant*  
17                               *to the policy of the Judicial Conference of*  
18                               *the United States.*

19                               \_\_\_\_\_  
20                               FOREPERSON

21                               \_\_\_\_\_  
22                               NICHOLAS W. BROWN  
23                               United States Attorney

24                               \_\_\_\_\_  
25                               THOMAS M. WOODS  
26                               Assistant United States Attorney

27                               \_\_\_\_\_  
28                               ZACHARY W. DILLON  
                             Assistant United States Attorney